



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28690**", the original copy of which is attached hereto, was passed for publication of title on the **12<sup>th</sup> day of January, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **26<sup>th</sup> day of January, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **26<sup>th</sup> day of February, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27<sup>th</sup> day of January, 2010**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28690**

**AN ORDINANCE OF THE CITY OF SAN JOSE TO  
DISESTABLISH THE WILLOW GLEN BUSINESS  
IMPROVEMENT DISTRICT PURSUANT TO SECTION  
36550 OF THE CALIFORNIA PARKING AND BUSINESS  
IMPROVEMENT AREA LAW**

**WHEREAS**, the Council of the City of San José established the Willow Glen Business Improvement District ("BID") under the provisions of the Parking and Business Improvement Area Law of 1989, Section 36500 *et seq.* of the California Streets and Highways Code ("BID State Law") by Ordinance No. 21519, dated December 20, 1983, as revised by Ordinance No. 22589, dated August 11, 1987; and

**WHEREAS**, in September 2009, the Executive Director of the Willow Glen Business Association notified the City of the Association's desire to terminate the BID since the provision of services provided and funded through the BID are no longer desired by the Association; and

**WHEREAS**, under BID State Law, the Council adopted Resolution No. 75221 on December 15, 2009, declaring an intention to disestablish the BID and fixing the time and place for the public hearing; and

**WHEREAS**, said Resolution No. 75221 was duly published, and copies thereof were mailed to each business owner within the BID, as provided under BID State Law; and

**WHEREAS**, as specified in Resolution No. 75221, a public hearing concerning the disestablishment of the BID was held before the Council on January 12, 2010, at the hour of 1:30 p.m. in the Council Chambers of City Hall, located at 200 East Santa Clara Street in the City of San José;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

1. Pursuant to BID State Law, the Willow Glen Business Improvement District located in the Willow Glen neighborhood of San José, California is hereby disestablished and Ordinance No. 21519 and Ordinance No. 22589 shall have no further force and effect.
2. Upon the effective date of this ordinance, the City shall not levy and collect BID assessments that would otherwise become due and payable on or after January 1, 2010. This ordinance shall not affect any BID assessments that were levied prior to January 1, 2010, and any payments and penalties accruing thereon, which may be collected after the effective date of this ordinance.
3. Upon disestablishment of the BID, all unexpended funds provided to the Willow Glen Business and Professional Association by City and any assets acquired with the revenues of the assessments levied within the BID will be returned to the City. Any remaining revenues derived from the levy of assessments will be refunded to the owners of the businesses, applying the same method and basis that was used to calculate the levied assessments.
4. The City's Office of Economic Development is hereby directed to give notice of the disestablishment of the BID in accordance with Section 36551(b) of the BID State Law, by publication to the general public not later than 15 days after the adoption of this ordinance.
5. This ordinance shall take effect and be in force on the thirtieth day from and after its final adoption.

PASSED FOR PUBLICATION of title this 12<sup>th</sup> day of January, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



---

CHUCK REED  
Mayor

ATTEST:



---

LEE PRICE, MMC  
City Clerk